

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TETHER AND BITFINEX CRYPTO
ASSET LITIGATION

Index No. 1:19-cv-09236-KPF

**THE EXCHANGE DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE COMPLAINT WITH PREJUDICE**

PLEASE TAKE NOTICE that, upon (i) the accompanying Memorandum of Law in Support of the Exchange Defendants' Motion to Dismiss and (ii) the memoranda of law in support of dismissal filed by the other defendants, the undersigned will move this Court, before the Honorable Katherine Polk Failla, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, Courtroom 618, New York, New York 10007, on a date and time to be set by the Court, to dismiss the Amended Consolidated Class Action Complaint against Bittrex, Inc. and Poloniex, LLC (the "Exchange Defendants") with prejudice for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6) and for failure to plead fraud with particularity under Federal Rule of Civil Procedure 9(b). Under the Court's So-Ordered Stipulation, dated July 7, 2020 (ECF No. 130), Plaintiff's opposition papers, if any, are due on November 5, 2020, and the Exchange Defendants' reply papers, if any, are due on December 3, 2020.

Dated: September 3, 2020
New York, New York

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